

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEITH L. LEWIS	:	CIVIL ACTION
	:	
v.	:	
	:	
UNITED STATES PAROLE COMMISSION :		NO. 19-6154

MEMORANDUM

Savage, J.

December 8, 2020

Petitioner Keith L. Lewis, who is currently an inmate in FCI-Williamsburg, South Carolina, has filed a *habeas corpus* petition under 28 U.S.C. § 2241. He has named the United States Parole Commission as the respondent instead of his custodian. The government has moved to dismiss the *habeas* petition for lack of jurisdiction because Lewis is not in federal custody in this district.

A *habeas* petition filed under § 2241 must be filed in the district where the prisoner is confined, and the prisoner must name the custodian at the facility where he is being held as the respondent. *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). The proper respondent is “the person who has custody over [the petitioner].” *Id.* At 434.

When he filed his *habeas* petition, petitioner was housed at FCI-Bennettsville, South Carolina. He has since been transferred to FCI-Williamsburg, South Carolina. Both institutions are in the District of South Carolina. Therefore, the petition had to have been filed in that district, not this district.

Lewis improperly seeks *habeas* relief from the United States Parole Commission. The proper respondent is the federal detention facility in Williamsburg, South Carolina, where Lewis is housed.

Because Lewis has filed his § 2241 petition in the wrong district court and has not named the proper respondent, we shall dismiss his petition without prejudice to his right to bring a § 2241 *habeas* petition in the District of South Carolina naming the appropriate respondent.